

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 11 1999

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86-285

OFFICE OF  
MANAGING DIRECTOR

Elizabeth A. Hammond, Esquire  
Arter & Hadden  
1801 K St., N.W.  
Suite 400K  
Washington, D.C. 20006-1301

Re: Goodstar Broadcasting of Kansas  
Petition for Reduction of Regulatory Fees  
Fee Control # 9709228835165001

Dear Ms. Hammond:

This is in response to the Petition for Reduction of Regulatory Fee filed on behalf of Goodstar Broadcasting of Kansas as licensee of Class D AM Radio Station KXXX, Colby, Kansas. Please excuse our failure to respond to your petition in a more timely manner.

Goodstar argues that the Fiscal Year (FY) 1997 regulatory fee assessed KXXX exceeds the regulatory fees assessed against other Class D AM Radio Stations located in the same general geographic area. In light of the allegations, DataWorld, which has a contract with the Commission to calculate service areas and populations, recalculated the population within KXXX's daytime protected service contour. DataWorld verified the technical parameters for KXXX with the data in the FCC AM Engineering Base. DataWorld then calculated KXXX's groundwave coverage predictions for its daytime protected service contour and imposed those contours on a United States Census population map. These calculations confirmed that the population figures allocated to KXXX for fee purposes were correct.

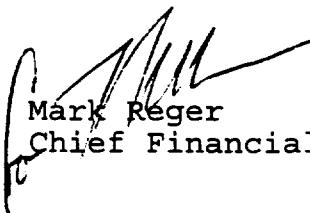
Moreover, your argument with respect to other radio stations in the area is without merit. The differences in populations can be attributed to the different locations and technical parameters of the stations. Moreover, the accuracy of the FY 1997 fee assessments were confirmed by the FY 1998 assessments. While the FY 1998 fees were based on the city grade contours, KXXX was credited with a substantially larger population and higher fee than the other Class D Radio Stations cited by Goodstar. Thus, in the absence of engineering measurements or other documentation supporting Goodstar's request for reduction of its regulatory fee, Goodstar's request will be denied.

Elizabeth A. Hammond, Esquire

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If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger  
Chief Financial Officer

ATTORNEYS AT LAW

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September 19, 1997

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20054

Attn: Managing Director

Re: Regulatory Fees for KXXX, Colby, Kansas

Dear Mr. Caton:

Transmitted herewith, on behalf of Goodstar Broadcasting of Kansas License, L.L.C., licensee of radio broadcast station KXXX, Colby, Kansas is the original and four copies of a Petition for Reduction of Regulatory Fees. Goodstar has already paid the full amount of the regulatory fees assessed against KXXX. However, Goodstar requests that the Commission recalculate the amount due from KXXX, and, if applicable, refund the difference between the amount of regulatory fees already paid and the recalculated, reduced amount.

Please address any questions to Robin L. Miller of this firm at (202) 775-4460 or the undersigned.

Very truly yours,

*Elizabeth A. Hammond*

Elizabeth A. Hammond\*

Enclosure

\*Admitted in Maryland only

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Before the  
Federal Communications Commission  
Washington, DC 20554

COPY

RECEIVED

SEP 19 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re the Matter of )  
 )  
Assessment & Collection of )  
Regulatory Fees for Fiscal )  
Year 1997 )

MD Docket 96-186

To: Managing Director

**Petition for Reduction of Regulatory Fees**

Goodstar Broadcasting of Kansas License, L.L.C. ("Goodstar"), licensee of AM broadcast station KXXX, Colby, Kansas, pursuant to Section 1.1166 of the Commission's rules, hereby respectfully petitions the Commission for a reduction of its Fiscal Year ("FY") 1997 Regulatory Fee. Using a formula set forth in Assessment and Collection of Regulatory Fees for Fiscal Year 1997, Report & Order, MD Docket 96-186, released June 26, 1997 ("Report & Order"), the Commission assessed a fee of \$1,000.00 for KXXX, a Class D AM station in Colby, Kansas. Goodstar has paid the full amount of the regulatory fee assessed by the Commission. The regulatory fee assessed for KXXX, however, far exceeds the regulatory fees assessed other Class D AM stations in the same general area as KXXX. The requested refund is in the public interest if the amount assessed against KXXX is, in fact, in error. Goodstar does not dispute its obligation to pay the *full* amount of the regulatory fees actually due from KXXX. As such we respectfully request that the Commission recalculate the amount due by KXXX for its FY 1997 regulatory fees and, if applicable, refund to Goodstar any difference between the amount paid and the recalculated, reduced amount actually due.

In its Report and Order, the Commission revised its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress required it to collect for FY 1997. Based upon a formula which takes into account inter alia, the class of station and the population within the station's coverage area, the Commission assessed a regulatory fee for each commercial broadcast station. See Report & Order ¶¶ 47-56. As stated above, the Commission assessed a fee of \$1,000 against KXXX.

Goodstar questions the accuracy of this assessment based on the fact that the Class D AM stations which are licensed to cities which surround the area served by KXXX were assessed substantially lower regulatory fees. KLOE(AM), Goodland, KS, a Class D station approximately 44 miles west of Colby was assessed a \$400 regulatory fee; KQNK(AM), Norton, KS, a Class D station approximately 66 miles northeast of Colby was assessed a \$400 regulatory fee; KFLA, Scott City, KS, a Class D station approximately 60 miles south of Colby was assessed a \$200 regulatory fee; and KRSL, Russell, KS, a Class D station approximately 100 miles east of Colby, and significantly closer to the more heavily-populated portion of the state (near Great Bend and Salina, KS) was assessed a \$600 regulatory fee. In explaining the impact of the new Schedule of Regulatory Fees, the Commission noted that the schedule results in "(1) the same class stations in different size cities generally having different fees ... and (3) same class stations in the same city generally having the same fee." Although none of the four Class D stations listed above are licensed to Colby, they each are licensed to cities within the same general area as Colby and are all licensed to cities within the same range of population.<sup>1</sup>

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<sup>1</sup> Populations according to 1990 Census: Colby, KS: 5,936 (Thomas County: 8,258); Goodland, KS: 4,983 (Sherman County: 6,926); Norton, KS: 3,017 (Norton County: 5,947); Scott City, KS: 3,785 (Scott County: 5,289); Russell, KS: 4,781 (Russell County: 7,835). Although Colby, KS has a slightly larger population than the other cities, it seems incongruous that the regulatory fee for a Class D station licensed to Colby would be 40% more than the fee for a Class D station licensed to Russell -- the next largest city -- which is only slightly smaller than Colby.

Moreover, the Public Notice released August 1, 1997 listing the FY 1997 Mass Media regulatory fees shows the population served by KXXX as 476,400. According to their inherent knowledge of Colby and the surrounding communities, this number seems inordinately high to station management, and stands in stark contrast to the numbers listed for the four other Class D AM stations licensed to nearby communities.<sup>2</sup>

Goodstar recognizes that the Commission is utilizing a new formula for calculating regulatory fees, and that the formula takes into account several different variables. In light of the newness of the formula, the large discrepancy between the regulatory fees assessed against KXXX and the other Class D AM stations licensed to nearby cities, and the large difference in the FCC's listing of the populations served by KXXX and the other Class D AM stations licensed to nearby cities, however, Goodstar respectfully requests the Commission to re-examine the fees assessed against KXXX, and, if applicable, refund the difference between the regulatory fee paid and what is actually due according to the recalculation.

Respectfully submitted,

GOODSTAR BROADCASTING OF  
KANSAS LICENSE, L.L.C.

By: Elizabeth A. Hammond

Howard M. Liberman  
Elizabeth A. Hammond  
ARTER & HADDEN  
1801 K Street, N.W.  
Suite 400K  
Washington, D.C. 20006  
(202) 775-7100

September 19, 1997

Its attorneys

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<sup>2</sup> The Public Notice shows the populations served by KLOE, Goodland, KS, KQNK, Norton, KS, KFLA, Scott City, KS and KRSL, Russell, KS respectively as 111,706, 78,608, 64,286 and 186,280.

# Payment Transactions Detail Report

Date: 11/7/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835165001	GOODSTAR BROADCASTING LLC	FCC2044306	09/17/97
	1660 N TYLER RD STE A		

WICHITA KS 67212

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$11,125.00	\$11,125.00	27	MNF7	1	KDGB	GOODSTAR BROADCASTING LLC	67212		\$950.00	1	PMT
\$11,125.00	\$11,125.00	16	MGH7	1	KFNF	GOODSTAR BROADCASTING LLC	67212		\$600.00	1	PMT
\$11,125.00	\$11,125.00	24	MGD7	1	KGLS	GOODSTAR BROADCASTING LLC	67212		\$1,400.00	1	PMT
\$11,125.00	\$11,125.00	7	MGF7	1	KGNO	GOODSTAR BROADCASTING LLC	67212		\$1,000.00	1	PMT
\$11,125.00	\$11,125.00	25	MGF7	1	KILS	GOODSTAR BROADCASTING LLC	67212		\$1,000.00	1	PMT
\$11,125.00	\$11,125.00	9	MUB7	1	KLK228	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	13	MGF7	1	KOLS	GOODSTAR BROADCASTING LLC	67212		\$1,000.00	1	PMT
\$11,125.00	\$11,125.00	11	MUB7	1	KPE507	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	12	MUB7	1	KPG264	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	10	MUB7	1	KPH887	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	20	MUB7	1	KPJ397	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	3	MGH7	1	KQLS	GOODSTAR BROADCASTING LLC	67212		\$600.00	1	PMT
\$11,125.00	\$11,125.00	4	MGG7	1	KSLs	GOODSTAR BROADCASTING LLC	67212		\$800.00	1	PMT
\$11,125.00	\$11,125.00	21	MGF7	1	KWLS	GOODSTAR BROADCASTING LLC	67212		\$1,000.00	1	PMT
\$11,125.00	\$11,125.00	1	MGF7	1	KXXX	GOODSTAR BROADCASTING LLC	67212		\$1,000.00	1	PMT
\$11,125.00	\$11,125.00	6	MGI7	1	KYUU	GOODSTAR BROADCASTING LLC	67212		\$400.00	1	PMT
\$11,125.00	\$11,125.00	17	MGF7	1	KZLS	GOODSTAR BROADCASTING LLC	67212		\$1,000.00	1	PMT
\$11,125.00	\$11,125.00	22	MUB7	1	WAD264	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	15	MUB7	1	WCG677	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	2	MUB7	1	WLD715	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	19	MUB7	1	WLD786	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	18	MUB7	1	WLG337	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	5	MUB7	1	WLG344	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	8	MUB7	1	WLL369	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	14	MUB7	1	WLL384	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
\$11,125.00	\$11,125.00	26	MUB7	1	WMG219	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT

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BY: FEE CONTROL NUMBER

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9709228835165001	GOODSTAR BROADCASTING LLC 1660 N TYLER RD STE A	FCC2044308	09/17/97

WICHITA KS 67212

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$11,125.00	\$11,125.00	23	MUB7	1	WQB291	GOODSTAR BROADCASTING LLC	67212		\$25.00	1	PMT
Total 27									\$11,125.00		